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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,242	07/09/2003	Yee Tak Kwong	402711	8342

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EXAMINER	
FISHMAN, MARINA	
ART UNIT	PAPER NUMBER
2832	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/615,242

Applicant(s)

KWONG, YEE TAK

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final:
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *General status*

1. This is a Final Action on the Merits. Claims 1 - 15 are pending in the case and are being examined.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 7, it is not clear what is meant by "wherein the second lever is resiliently stronger than the first lever." The phrase "resiliently stronger" contains two words with both having contradictory meaning; 'resilient' implying that the lever is flexible and 'stronger' implying that the lever is less flexible; hence the recitation is not clear. For the purpose of examination, the Examiner has interpreted the second lever to be more flexible than the first lever.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 8, 9 -12 and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Howe [US 3,670, 121].

Howe discloses an electrical switch comprising:

- a housing [1];
  - at least one fixed contact [2] and a moving contact assembly [6 – 9] provided in the housing:
- 
- an actuator supported for movement to move the contact assembly into contact with and out of contact from the fixed contact, wherein the actuator comprises a rocker [11, Figures 1, 5-7];
  - the contact assembly comprises at least one pair of pivotable levers [6 and 9, 7];
  - a first lever [6, 9] arranged to make or break contact with the fixed contact, the first lever more conductive;
  - a second lever [7] pivotable by the actuator to in turn pivot the first lever into contact with the fixed contact; the second lever is mounted on the first lever [6]; wherein the second lever is more resilient (i.e., more spring-like, because of its shape) than the first lever.
  - an additional pivotable lever [15] that is pivotable by the actuator [11] and having co-operable parts with actuator [13,14,17,17a].

6. Claims 1 – 6, 9 and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Chien [US 6,005,210].

Chien discloses an electrical switch comprising:

- a housing [30];
  - at least one fixed contact [41,42] and a moving contact assembly [40] provided in the housing:
- 
- an actuator supported for movement to move the contact assembly into contact with and out of contact from the fixed contact, wherein the actuator comprises a rocker [50, Figures 10 - 12];
  - the contact assembly comprises at least one pair of pivotable levers [Figure 4];
  - a first lever [43] arranged to make or break contact with the fixed contact;
  - a second lever pivotable by the actuator to in turn pivot the first lever into contact with the fixed contact; the second lever is mounted on the first lever [Figures 10 and 11]; wherein the second lever is more resilient (i.e., more spring-like, because of its shape) than the first lever [Figure 4].

***Allowable Subject Matter***

7. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. Claim 15 is allowed.

***Response to Arguments***

9. Applicant's arguments filed 05/17/2004 have been fully considered but they are not persuasive.

- a. Applicant argues that the references do not teach a contact assembly formed by separate overlying strips to form a multilayered structure. This is not commensurate with the scope of the claims.

- b. Applicant argues that the references do not teach a resiliently stronger second lever. Examiner believes this to be in error. Examiner interprets the limitation "resiliently stronger" to mean "springier" or "more spring-like". The second lever may be made springier either by changing the composition of the metal or by changing of the shape. Thus a coiled or arched piece of the second lever makes it springier than the first lever. The second lever in Howe or Chien is shaped in a spring-like form.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the

~~Patent Application Information Retrieval (PAIR) system. Status information for~~


published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
May 27, 2004

  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800  
5/27/04